

108

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-24927-2020
Date of decision-28.08.2020**

Vicky**...Petitioner****Vs.****State of Haryana****...Respondent****CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Mr. Arun Sharma, Advocate for the petitioner.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.98 dated 03.02.2015 under Sections 380, 457 and 511 Indian Penal Code, 1860 registered at Police Station Thanesar City, District Kurukshetra.

Learned counsel for the petitioner contends that initially the petitioner was granted the concession of regular bail by the trial Court vide order dated 30.04.2018, but on account of his absence on 21.08.2018, the bail was cancelled and the non-bailable warrants were issued against the petitioner. Learned counsel has further pointed out that as the petitioner was an accused in case FIR No.28 dated 01.04.2015 registered under Sections 457 and 380 IPC at Police Station Panjokhra, District Ambala, and was taken in custody, therefore, he could not appear before the trial Court and was declared as proclaimed offender on 30.01.2019. He submits that since his absence before the trial Court was for a reason beyond his control, therefore, the petitioner deserves the concession of anticipatory bail.

During the course of hearing, it is not disputed by the learned

counsel that the petitioner was released on bail in the said case on 04.10.2019, but he is unable to justify the reason for not approaching the Court after his release in October 2019. This Court finds that since the petitioner was already on regular bail, therefore, the petition under Section 438 Cr.P.C is not maintainable in view of the decision dated 04.04.2019 delivered by this Court in CRM-M No.15464 of 2019 (Balwant Singh @ Banta Versus State of Punjab), as the petitioner was very much aware of the Court proceedings and deliberately failed to re-join the same.

In view of the above, the petition for grant of pre-arrest bail is not maintainable.

Resultantly, the petition is dismissed.

(MANOJ BAJAJ)
JUDGE

28.08.2020
vanita

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No